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EXAMINER	
LOVEL, KIMBERLY M	
ART UNIT	**PAPER NUMBER**
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,401	ALTMAN, GERALD	
	Examiner	Art Unit	
	Kimberly Lovel	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 11-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 11-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment filed 10 October 2006.

2. Claims 1-10 were pending in this application. Claims 2 and 4-10 have been canceled and claims 11-23 have been added. Therefore, claims 1, 3 and 11-23 are now pending. Claims 1 and 3 are independent. Claims 1 and 3 have been amended.

3. The rejections of claim 1 as being anticipated by US Patent No 5,810,009 to Johnson et al; claims 2-3 as being unpatentable over US Patent No 5,810,009 Johnson et al in view of US PGPub 2004/0117361 to Greer et al; claim 4 as being unpatentable over US PGPub 2004/0117361 to Greer et al in view of US PGPub 2006/0080314 to Hibert et al; claims 5 and 7-10 as being unpatentable over US PGPub 2004/0117361 to Greer et al in view of US PGPub 2004/0205387 to Kleiman; and claim 6 as being unpatentable over US PGPub 2004/0117361 to Greer et al in view of US Patent No 5,813,009 to Johnson et al have been withdrawn as necessitated by amendment.

Claim Objections

4. The objections of claims 2, 3, 4, 6, 7, 8 and 9 have been withdrawn as necessitated by the amendment.

5. Claims 1, 3, 15, 16 and 22 are objected to because of the following informalities:

6. Claims 1, 3 and 16 are objected to because the claims include the recitation of "date/time." The metes and bounds of this limitation are unclear. It is not known whether "date/time" yields "date and time" or "date or time."

If the limitation "date/time" in claim 1 yields "date or time" then the recitation of the limitation "the date and time" in line 11 has insufficient antecedent basis.

7. Claim 15 recites the limitation "said first electronic document" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 22 recites the limitation "said RAID system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Drawings

9. The objections to the drawings are withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 112

10. The rejections of claims 2, 3, 4 and 6 are withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 101

11. The rejections of claims 1-10 are withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 3, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,813,009 to Johnson et al (hereafter Johnson).

Referring to claim 3, Johnson discloses a storage system for storing and retrieving physical documents and electronic documents (see column 5, line 66 – column 6, line 6), the storage system comprising:

a physical system (see Fig 8) configured to store a plurality of physical documents [paper-based documents], wherein said physical system is organized using a plurality of separators [cases and folders] (see column 8, lines 40-45 and column 26, lines 11-30);

an electronic system [computer based records management system] configured to store a plurality of records (see column 4, lines 46-52), each record including one or more electronic documents and indexed by a unique time/date identifier corresponding to entry of the record into the system [creating or recognizing a tag for creation date] (column 7, lines 37-43; column 9, lines 57-60; and column 9, line 66 – column 10, line 4);

wherein said electronic system is configured to access a desired record stored in said electronic system, wherein said desired record includes information useable to view at least one of said one or more corresponding electronic documents (see column 17, lines 41-43) and information indicative of one or more locations, within said physical system, of at least one physical document corresponding to one or more electronic documents within said desired record (see column 10, lines 30-34 and lines 52-58; and column 28, lines 7-14).

Referring to claim 18, Johnson discloses the system of claim 3, wherein said electronic system is configured to access, for a desired record stored in said electronic system, information indicative of an entity [creation source] corresponding to said desired record (see column 7, lines 37-43).

Referring to claim 19, Johnson discloses the system of claim 3, wherein one or more locations [common source] within said physical system are specified relative to one or more of said plurality of separators (see column 8, lines 40-45).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 1 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,813,009 to Johnson et al in view of US Patent No 6,470,449 to Blandford (hereafter Blandford).

Referring to claim 1, Johnson et al disclose a computer-implemented method comprising entering into a storage array [table] (see column 5, line 66 – column 6, line 6), at a succession of date/time instances (see column 8, lines 40-45 and column 9, lines 54-60), a succession of records, wherein each of said records corresponds to one or more electronic documents (column 8, line 60 – column 9, line 13);

assigning attributes [source, date, file location, etc.] to each of the records, wherein the assigned attributes characterize the documents corresponding to that record (see column 7, lines 37-43 and column 8, lines 40-45); and

assigning unique date/time identifiers to the records, wherein, for each record, the assigned unique date/time identifier is in correspondence with the date and time instances of its entry [creating or recognizing a tag for creation date] (see column 7, lines 36-43; column 9, lines 57-60; and column 9, line 66 – column 10, line 4).

Johnson discloses retrieving records from the storage array using index criteria and search characters (see column 18, lines 44-50), however Johnson fails to explicitly

disclose the further limitations of receiving a range of date/time instances via a graphical user interface; receiving one or more attributes via said graphical user interface; and retrieving, from said storage array, one or more records corresponding to said received range of date/time instances and said received one or more attributes, wherein documents corresponding to said retrieved records are uncorrupted. Blandford discloses searching a diary, including the further limitations of

receiving a range of date/time instances via a graphical user interface [user enters one or more search parameters such as date and date range] (see column 14, 49-52);

receiving one or more attributes via said graphical user interface [user enters one or more search parameters] (see column 14, 49-52);

retrieving, from said storage array, one or more records corresponding to said received range of date/time instances and said received one or more attributes (see column 14, 49-60), wherein documents corresponding to said retrieved records are uncorrupted [the system uses checksum to make sure the records are not corrupted and if they are corrupted, the records are not archived; therefore, when a record is retrieved, the record is considered to be uncorrupted] (see column 5, line 66 – column 6, line 10 and column 14, line 61 – column 15, line 19) in order to decrease inefficiencies that may waste time and money when retrieving files.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of retrieving records as disclosed by Blandford as the retrieval method of retrieving the records of Johnson. One would have been motivated

to do so in order to decrease inefficiencies that may waste time and money when retrieving files for a recovery effort (Johnson: see column 2, lines 52-55) and also to assist with legal admissibility of stored records in a court of law (Johnson: see column 2, lines 10-15).

Referring to claim 12, the combination of Johnson and Blandford (hereafter Johnson/Blandford) discloses the method of claim 1, wherein the succession of records includes a first record corresponding to at least a first electronic document (Johnson: see column 4, lines 29-33 and column 28, line 48 – column 29, line 9).

Referring to claim 13, Johnson/Blandford discloses the method of claim 12, wherein said first record includes a first attribute corresponding to said first electronic document, wherein said first attribute is an actual date [creation date] of said first electronic document (Johnson: see column 7, lines 37-43).

Referring to claim 14, Johnson/Blandford discloses the method of claim 12, wherein said entering includes scanning a first physical document corresponding to said first electronic document, and further includes associating said scanned document with said first record (Johnson: see column 8, lines 38-45).

Referring to claim 15, Johnson/Blandford discloses the method of claim 1, further comprising storing a first physical document corresponding to said first electronic document in a physical storage system (Johnson: see column 26, lines 11-30).

Referring to claim 16, Johnson/Blandford discloses the method of claim 15, wherein said first physical document is indexed [logical identifier] within said physical

storage system using the assigned unique date/time identifier (Johnson: see column 26, lines 11-30 and column 7, lines 37-43).

Referring to claim 17, Johnson/Blandford discloses the method of claim 1, wherein said retrieving includes retrieving only those documents that are uncorrupted [the system uses checksum to make sure the records are not corrupted and if they are corrupted, the records are not archived; therefore, when a record is retrieved, the record is considered to be uncorrupted] (Blandford: see column 5, line 66 – column 6, line 10 and column 14, line 61 – column 15, line 19).

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,813,009 to Johnson et al in view of US Patent No 6,470,449 to Blandford as applied to claim 1 above, and further in view of US PGPub 20020023067 to Garland et al (hereafter Garland).

Referring to claim 11, Johnson/Blandford discloses a storage array storing a plurality of records. However, Johnson/Blandford fails to explicitly disclose the further limitation wherein the plurality of records are stored using a RAID system. Garland discloses storing a plurality of patient records in a database (see [0035]-[0039]), including the further limitation wherein the records are stored using a RAID system (see [0037]) in order to improve the reliability, data availability and performance of the system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the RAID system disclosed by Garland to store the records of

Johnson/Blandford. One would have been motivated to do so in order to improve the reliability, data availability and performance of the system by using an array of small, inexpensive disks replace a large expensive storage system.

17. Claims 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,813,009 to Johnson et al as applied to claim 3 above, and further in view of US PGPub 20020023067 to Garland et al.

Referring to claim 20, Johnson discloses an electronic system storing a plurality of records. However, Johnson fails to explicitly disclose the further limitation wherein the plurality of records are stored using a RAID system. Garland discloses storing a plurality of patient records in a database (see [0035]-[0039]), including the further limitation wherein the records are stored using a RAID system (see [0037]) in order to improve the reliability, data availability and performance of the system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the RAID system disclosed by Garland to store the records of Johnson. One would have been motivated to do so in order to improve the reliability, data availability and performance of the system by using an array of small, inexpensive disks replace a large expensive storage system.

Referring to claim 22, Johnson discloses an electronic system storing a plurality of records. However, Johnson fails to explicitly disclose the further limitation of storing the plurality of files on a RAID system using a relational database. Garland discloses storing a plurality of patient records in a database (see [0035]-[0039]), including the

further limitation of storing the plurality of files on a RAID system using a relational database (see [0037]) in order to improve the reliability, data availability and performance of the system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to store the records of Johnson on a RAID system using a relational database as disclosed by Garland. One would have been motivated to do so in order to improve the reliability, data availability and performance of the system by using an array of small, inexpensive disks replace a large expensive storage system.

Referring to claim 23, Johnson discloses an electronic system storing a plurality of records. However, Johnson fails to explicitly disclose the further limitation of first means for redundantly storing said plurality of records. Garland discloses storing a plurality of patient records in a database (see [0035]-[0039]), including the further limitation first means [RAID] for redundantly storing said plurality of records (see [0037]) in order to improve the reliability, data availability and performance of the system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the RAID system disclosed by Garland to store the records of Johnson. One would have been motivated to do so in order to improve the reliability, data availability and performance of the system by using an array of small, inexpensive disks replace a large expensive storage system.

18. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,813,009 to Johnson et al as applied to claim 3 above, and further in view of US Patent No 5,414,834 to Alexander et al (hereafter Alexander).

Referring to claim 21, Johnson discloses an electronic system storing a plurality of records. However, Johnson fails to explicitly disclose the further limitation wherein the records are stored using a relational database. Alexander discloses storing records (see abstract), including the further limitation wherein the records are stored using a relational database (see column 3, lines 9-13) in order to increase accessibility of a file since a relational database provides a database system in which any database file can be a component of more than one of the database's tables.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a relational database as disclose by Alexander to replace the database of Johnson. One would have been motivated to do so in order to increase accessibility of a file since a relational database provides a database system in which any database file can be a component of more than one of the database's tables.

Response to Arguments

19. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel
Examiner
Art Unit 2167

18 December 2006
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